UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/517,001	AHONEN, PETRI
	Examiner	Art Unit
	Hyun Nam	2184

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 November 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Invoked - 35 USC § 112 6th

Claims 11, 17, and 18 have invoked 35 U.S.C. 112, sixth paragraph.

Claim Rejections - 35 USC § 112 2nd

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the network" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the network" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Applicant is required to review the claim and correct all language which does not comply

with 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Toyoshima,

(U.S. Publication 2002/0087759) hereinafter Toyoshima '759.

Referring to claim 1, Toyoshima '759 teaches, as claimed, a method comprising:

receiving update data (new code, see Paragraph 17, Lines 16-17) from a network

unit (see Fig. 1, Transceiver Circuit 20) at a mobile device (see Fig. 1, Wireless

Module 200) of the network (wireless or cellular network, see Fig. 1, Antenna 10),

wherein a logic, external memory unit (peripheral device, see Paragraph 15, Line

14) is connected with the mobile device,

transferring the update data from the mobile device to the external memory unit

(transferred to peripheral device for storage, see Paragraph 17, Lines 16-17),

storing the update data in the external memory unit of the mobile device (stored

in the peripheral device, see Paragraph 17, Lines 16-17),

programming the stored update data (a code update process, see Paragraph 17,

Line 10, and Fig. 2, Steps 220 to 260) in a permanent memory unit (loading the

primary code to DRAM 90, see Paragraph 21, Line 8; Note, DRAM 90 and NAND

Flash 80 are permanent memory units because unlike the peripheral device, they

are not removable) of the mobile device, according to programming logics (see

Fig. 1, Microprocessor 70; Note, there is a programming logic to conduct update

process) provided by the mobile device, and

updating a firmware (see Paragraph 17, Line 10, Fig. 2, and Fig. 3; Note, the

primary code is a final firmware that is loaded and executed as a firmware in this

wireless module) of a mobile device (a wireless telephone, see Paragraph 16,

Line 7) according to the update data (see Fig. 3, Primary Mark 350).

As to claim 2, Toyoshima '759 teaches a method according to claim 1, wherein the

method comprises a step of transmitting the update data (new code, see Paragraph 17,

Lines 16-17) from the network unit (see Fig. 1, Transceiver Circuit 20) to the mobile

device (see Fig. 1, Wireless Module 200) as a response to a certain function (receives a

signal, see Paragraph 16, Lines 1-3) that triggers the transmission, said function being

one of the following (Note, Toyoshima '759 teaches at least one of the following

alternative functions):

choosing from a menu of the network unit by a user,

choosing from a menu of the mobile device by a user,

an appearing of new update data to the network unit (see Fig. 3, Release Date

340; Note, when new version of update data is available then network sends out

the data on the release date), or

an outdating of the firmware of the mobile device.

As to claim 3, Toyoshima '759 teaches a method according to claim 1, wherein the

logic, external memory unit (peripheral device, see Paragraph 15, Line 14) is connected

to the mobile device (a wireless telephone, see Paragraph 16, Line 7) by means of an

external memory bus (I/O interface, see Paragraph 15, Lines 13-15).

As to claim 4, Toyoshima '759 teaches a method according to claim 1, wherein the method comprises a step of transmitting the update data (new code, see Paragraph 17, Lines 16-17) by the mobile device (see Fig. 1, Wireless Module 200), where the update data is converted to be compatible (see Fig. 1, Baseband Signal Processor; Note, a signal converted to be compatible with digital format) with the memory unit (see Fig. 1, DRAM 90) and with the memory bus (see Fig. 1, a bus/connections between Micro Processor 70 and DRAM 90) to be connected thereto, after which the converted update data is transmitted to the external memory unit (peripheral device, see Paragraph 15, Line 14) along the memory bus.

As to claim 5, Toyoshima '759 teaches a method according to claim 1, wherein the method comprises a transmitting the update data (new code, see Paragraph 17, Lines 16-17) by a mobile device (see Fig. 1, Wireless Module 200), through which the update data is directly transmitted (see Paragraph 15, Line 14) further to the external memory bus (I/O interface, see Paragraph 15, Lines 13-15) of the mobile device along a memory bus.

As to claim 6, Toyoshima '759 teaches a method according to claim 1, wherein the method comprises programming the update data (new code, see Paragraph 17, Lines 16-17) stored in the external memory unit (peripheral device, see Paragraph 15, Line 14) in the mobile device (see Fig. 1, Wireless Module 200), when the mobile device is

switched on for the next time (Note, updating occurs when system is switched on or

enabled state).

As to claim 7, Toyoshima '759 teaches a method according to claim 1, wherein the

method comprises a step of copying the programming logics (loading the primary code,

see Paragraph 21, Lines 7-9) for programming the update data from an external

memory unit (peripheral device, see Paragraph 15, Line 14) to the permanent memory

unit (see Fig. 1, NAND Flash 80) of the mobile device prior to programming (see

Paragraph 18, Lines 14-15) the update data.

As to claim 8, Toyoshima '759 teaches a method according to claim 1, wherein the

method comprises a step of storing the programming logics (loading the primary code,

see Paragraph 21, Lines 7-9) for updating the update data (new code, see Paragraph

17, Lines 16-17) from the permanent memory unit (see Fig. 1, NAND Flash 80) of the

mobile device to a random access memory (see Fig. 1, DRAM 90) of the mobile device

prior to programming the update data.

As to claim 9, Toyoshima '759 teaches an arrangement comprising:

an external memory unit (peripheral device, see Paragraph 15, Line 14) arranged

to store an update data (new code, see Paragraph 17, Lines 16-17),

a connection interface (I/O interface, see Paragraph 15, Lines 13-15) arranged to

transmit the update data from a network unit (see Fig. 1, Transceiver Circuit 20)

to a mobile device (see Fig. 1, Wireless Module 200) and further to the external

memory unit of the mobile device, and

a control unit (see Fig. 1, Microprocessor 70) arranged to program the stored

update data to a permanent memory unit (see Fig. 1, NAND Flash 80) of the

mobile device by means of a programming driver (a code update process, see

Paragraph 17, Line 10, and Fig. 2, Steps 220 to 260) provided by the mobile

device, and wherein the control unit is further arranged to update a firmware (see

Paragraph 17, Line 10, Fig. 2, and Fig. 3; Note, the primary code is a final

firmware that is loaded and executed as a firmware in this wireless module) of

the mobile device (a wireless telephone, see Paragraph 16, Line 7).

As to claims 10-13, they are directed to an arrangement/system to implement the

method as set forth in claims 3, 4, 7, and 8 respectively. Therefore, they are rejected on

the same basis as set forth hereinabove.

As to claims 14 and 15, they are directed to a mobile device implemented in the

arrangement as set forth in claim 9. Therefore, they are rejected on the same basis as

set forth hereinabove.

As to claims 17 and 18, they are directed to an arrangement/system implemented in the

method as set forth in claim 1 and 3 respectively. Therefore, they are rejected on the

same basis as set forth hereinabove.

Response to Arguments

Applicant's arguments filed 1/18/2008 have been fully considered but they are not

deemed to be persuasive.

Regarding the objection to arrangement of the specification, Applicant's response has

overcome the objection.

Regarding the objections to informalities in the claims, Applicant's response has

overcome the objections.

Applicant argues, the Toyoshima reference merely concerns an external

programming device, which does not teach or suggest any of the following

features claimed by the present application:

> **(1) the data transfer occurs via the mobile device;**

> **(2) an external memory is connected to the mobile device so that**

> **programming logics of claim 1, and the control unit of claim 9, can**

use the external memory to perform the firmware update of the

mobile device; and

(3) the programming logics are provided by the mobile device itself.

Examiner disagrees with applicant. Toyoshima '759 does teach the mobile device that

conduct data transferring activities. The Wireless Module 200, which converts analog

signal into a digital signal, transfers data to NAND Flash, User Interface, DRAM, and

peripheral device (via I/O interface). One of embodiment, Toyoshima '759 discloses

that this Wireless Module 200 will be implemented by a wireless telephone (see

Paragraph 16, Line 7). Although, not shown in the figure, Toyoshima '759 discloses

that the peripheral device with I/O interface will be implemented as removable data

storage (see Paragraph 7). Also, Toyoshima '759 discloses an embodiment where new

code or firmware update will be stored and operated on from this peripheral device (see

Paragraph 17, Lines 16-17). Finally, Toyoshima '759 clearly discloses programming

logics (flow logic, see Fig. 2 and Fig. 4) that operates under the control of Micro

Processor 70 (see Fig. 1).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hyun Nam whose telephone number is (571) 270-1725.

The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM

EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dr. Henry Tsai can be reached on (571) 272-4176. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ilwoo Park/

Primary Examiner, Art Unit 2182